

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KALIEF RETHAGE,)
Petitioner,)
)
vs.) Civil Action No. 05-289
) Judge Gary L. Lancaster
J. BARRY JOHNSON,) Magistrate Judge Lisa Pupo Lenihan
Respondent.)

ORDER

On March 4, 2005, Petitioner, Kalief Rethage, filed a Petition for Writ of Habeas Corpus (doc. no. 1), which was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. Petitioner is represented by counsel in this action.

The Magistrate Judge's Report and Recommendation (doc. no. 17), filed on May 18, 2007, recommended that the Petition for Writ of Habeas Corpus be denied and that a certificate of appealability be denied. Petitioner's Counsel filed Objections to the Report and Recommendation on May 31, 2007 (doc. no 18).

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered.

AND NOW, this 1 ST day of June, 2007;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DENIED** and a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 17) of Magistrate Judge Lenihan, dated May 18, 2007, is adopted as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a) (1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



Gary L. Lancaster
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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